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May 8, 2018

VIA ECF and FACSIMILE

Hon. Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007
Facsimile: (212) 805-4268

Re: *Starr Indemnity & Liability Company v. Brightstar Corp. et al.*
13 Civ. 8580 (GWG)

Dear Judge Gorenstein:

We represent Defendants Brightstar Corp. and Brightstar Germany in the above referenced action. Pursuant to Rules 1(E) and 2(B) of the Court's Individual Practices, we write on behalf of all parties to respectfully request an extension of certain deadlines and to advise of the parties' agreement to a briefing schedule for responses and replies to motions for summary judgment.

First, the parties seek an extension of the sole remaining discovery deadline set by the Court in a memo endorsement entered on March 22, 2018 (Doc. 110, Case No. 13-cv-08580). With respect to discovery, the parties have completed fact discovery, issued expert disclosures, and issued rebuttal disclosures. Depositions of experts are to be completed under the current schedule by May 31, 2018. The parties seek a short extension of this deadline, to June 15, 2018, to provide greater flexibility to complete the depositions. This is the tenth requested adjustment of the discovery schedule.

Second, the parties seek an extension of the deadline for filing motions for summary judgment. All parties filed letters requesting permission for leave to file motions for partial summary judgment. On April 27, 2018, this Court entered an order waiving the pre-motion conference and ordering that any motion for summary judgment be filed by May 11, 2018, subject to any extension sought pursuant to Rule 1(E) of the Court's Individual Practices (Doc. 122). The parties seek an extension of the May 11, 2018 deadline to May 18, 2018. This is the first request to extend the deadline to file summary judgment motions.

Pursuant to Rule 2(B) of the Court's Individual Practices, the parties propose that summary judgment responses be filed no later than June 15, 2018 and replies filed no later than July 13, 2018.

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To narrow the issues to be submitted for summary judgment, the parties have agreed to the following stipulations:

- (1) The amount of Brightstar's loss exceeds \$35 million.
- (2) Brightstar stipulates that its products were lost by misappropriation, secretion, conversion, infidelity or a dishonest act. Consequently, Starr stipulates that the mysterious disappearance exclusion in its policy does not apply.
- (3) Brightstar stipulates that its loss was a single occurrence.
- (4) Starr stipulates that its policy deductible does not reduce the applicable limit of liability such that if the \$25 million limit of liability applies (which Starr denies), then Brightstar would be entitled to the full \$25 million.

Finally, in light of the pending motion to transfer and the upcoming motions for summary judgment, the parties ask that the Court suspend the time for filing pre-trial materials under Section 3 of the Court's Individual Practices until after the motion to transfer and motions for summary judgment have been resolved and the venue and issues to be tried have been defined through this Court's rulings. This is the first request to extend the pre-trial filing deadlines in Section 3 of the Court's Individual Practices.

Thus, the parties request the following schedule:

	<u>Present Deadline</u>	<u>Requested Deadline</u>
Completion of Expert Witness Depositions	May 31, 2018	June 15, 2018
Motions for Summary Judgment	May 11, 2018	May 25, 2018
Responses to Summary Judgment Motions	N/A	June 22, 2018
Replies in support of Summary Judgment Motions	N/A	July 13, 2018
Pre-trial Filings	June 30, 2018	Set Post-rulings

Respectfully submitted,


Mark L. Durbin

One of the attorneys for Brightstar Corp.
and Brightstar Germany

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